

**ORDINANCE NO. 11-25**

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA AMENDING CHAPTER 70 ENTITLED "RETIREMENT AND PENSIONS", ARTICLE IV. EMPLOYEES GENERAL RETIREMENT SYSTEM, DIVISION 4. MEMBERSHIP, OF THE CODE OF ORDINANCES, AND IN PARTICULAR, REVISING HIALEAH CODE § 70-201 ENTITLED "COMPOSITION, EXCLUSIONS" TO SPECIFICALLY EXCLUDE THE CITY ATTORNEY, ASSISTANT CITY ATTORNEYS AND ASSISTANT CITY ATTORNEYS WHO ARE APPOINTED AND SERVE AS DEPARTMENT OR DIVISION HEADS FROM THE EMPLOYEES GENERAL RETIREMENT SYSTEM; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the purpose and intent of this ordinance is to amend the provisions of the Retirement Code to specifically exclude the city attorney, assistant city attorneys and assistant city attorney who are appointed or serve as department or division heads from the Employees General Retirement System; and

**WHEREAS**, on April 19, 2011, this ordinance was reported to the Board of Trustees of the Retirement System.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

**Section 1:** Chapter 70 entitled "Retirement and Pensions", Article IV. Employees General Retirement System, Division 4. Membership, of the Code of Ordinances of the City of Hialeah, Florida, is hereby amended, by revising Hialeah Code § 70-201 entitled "Composition; exclusions", to read as follows:

Chapter 70

**RETIREMENT AND PENSIONS**

\* \* \*

**ARTICLE IV. EMPLOYEES GENERAL  
RETIREMENT SYSTEM**

\* \* \*

**DIVISION 4. MEMBERSHIP**

**Sec. 70-201. Composition; exclusions.**

\* \* \*

(b) The membership of the retirement system shall not include the following:

(1) Any person whose services are compensated for on a fee or contractual basis;

(2) The medical committee;

(3) Elected or appointed officials not in the classified service; or

(4) City attorney;

(5) Assistant city attorneys;

(6) Assistant city attorneys who are appointed and serve as a department or division head; or

(47) Persons employed in a temporary or provisional status for less than nine months

\* \* \*

**Section 2: Repeal of Ordinances in Conflict.**

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

**Section 3: Penalties.**

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be assessed a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

**Section 4: Inclusion in Code.**

The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of the City of Hialeah, as an addition or amendment thereto, and the sections of this ordinance shall be renumbered, as appropriate, to conform to the uniform numbering system of the Code.

**Section 5: Severability Clause.**

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

**Section 6:     Effective Date.**

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

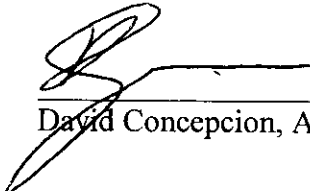
PASSED AND ADOPTED this 10th day of May, 2011.

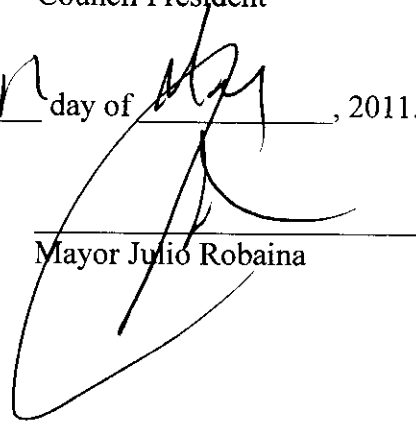
THE FOREGOING ORDINANCE  
OF THE CITY OF HIALEAH WAS  
PUBLISHED IN ACCORDANCE  
WITH THE PROVISIONS OF  
FLORIDA STATUTE 166.041  
PRIOR TO FINAL READING.

  
Carlos Hernandez  
Council President

Attest:

Approved on this 10 day of May, 2011.

  
David Concepcion, Acting City Clerk

  
Mayor Julio Robaina

Approved as to form and legal sufficiency:

  
William M. Grodnick, City Attorney

~~Strikethrough~~ indicates deletion. Underline indicates addition.

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Ordinance was adopted by a unanimous vote with Councilmembers, Caragol, Casals-Muñoz, Cue-Fuente, Garcia-Martinez, Gonzalez, Hernandez, and Yedra voting "Yes".